

**FILED**  
IN CLERK'S OFFICE  
US DISTRICT COURT E.D.N.Y.

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK**

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**DENISE PAGNOTTA,**

★ **MAY 21 2018** ★

**BROOKLYN OFFICE**

**REPORT AND  
RECOMMENDATION**

**18-CV-2243 (RJD)**

**Plaintiff,**

**-against-**

**OUTBACK STEAKHOUSE OF FLORIDA, LLC.,**

**Defendant.**

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**ROANNE L. MANN, CHIEF UNITED STATES MAGISTRATE JUDGE:**

On April 18, 2018, this Court issued an Order To Show Cause, a copy of which is attached hereto and incorporated by reference herein, directing the defendant to show cause why the case should not be remanded back to state court for failing to satisfy the \$75,000 threshold for diversity jurisdiction. Although defendant was ordered to respond by April 25, 2018, no response from defendant has been forthcoming.

For the reasons stated in the attached Order To Show Cause, this Court concludes that the case was improperly removed to federal court without the requisite showing that the jurisdictional threshold has been satisfied. Therefore, it is the recommendation of this Court that the case be remanded back to the state court.

Any objections to this Report and Recommendation must be filed with the Honorable Raymond J. Dearie on or before May 11, 2018. Failure to file objections in a timely manner

5/21/18  
The undersigned  
adopts the recommendation  
of Chief Magistrate Judge Mann  
Remanded to State Court.  
S/ RJD  
12570

may waive a right to appeal the District Court order. See 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 6(a), 6(d), 72.

**SO ORDERED.**

**Dated: Brooklyn, New York  
April 27, 2018**

*/s/ Roanne L. Mann*  
**ROANNE L. MANN  
CHIEF UNITED STATES MAGISTRATE JUDGE**